

FAX MEMORANDUM**FAX RECEIVED**

AUG 30 2000

GROUP 1600

OFFICIAL

TO: Examiner Nirmal S. Basi
USPTO
Facsimile: (703) 308-4242
Telephone: (703) 308-9435

DATE: Tuesday, August 29, 2000

FROM: MaryJane Nicolas-Carrion for H. Thomas Anderton

NO. OF PAGES: 5 (including cover)

RE: U.S. Serial No. 09/057,150
For: Methods of Evaluating Specific Cellular Functions of Receptor
Protein Tyrosine Kinases in A Ligand Independent Manner
SUGEN Docket No. 201 US

Please see attached Response in reference to the above-captioned patent application.

SUGEN, Inc.

230 East Grand Avenue, South San Francisco, CA 94080
Telephone: (650) 553-8300 Fax: (650) 553-8306

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.

IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA REGULAR U.S. MAIL. THANK YOU.

Atty. Decker No. 201 US

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE

Sir:

In response to the Office Action mailed June 29, 2000, Applicants request that the following remarks be considered and made of record in the above-captioned application.

REMARKS**1. THE EXAMINER'S REQUIREMENT**

The Examiner issued the above-mentioned Office Action, mailed June 29, 2000. In the Office Action, the Examiner issued an election of one the following (allegedly) patentably distinct species:

- A. In Claim 23, as set forth in paragraph 2A of the Office Action, allegedly patentably distinct species reciting a) a peptide less than 20 amino acids; b) a non-peptide organic molecule; and c) an antibody;
- B. In Claim 24, as set forth in paragraph 2B) of the Office Action, allegedly patentably distinct species reciting a) cell size; b) cell shape; c) cell proliferation; d) cell differentiation; e) cell survival; f) cell death; and g) utilization of metabolic nutrient;
- C. In claim 28, as set forth in paragraph 2C of the Office Action, allegedly patentably distinct species reciting a) a protein comprising an SH2 domain; b) a protein comprising an SH3 domain; c) a protein comprising a guanine nucleotide exchange factor; d) a protein comprising a phosphatase; and e) a protein comprising a kinase; and
- D. In the application (and supposedly the claims generally) as set forth in paragraph 2D of the Office Action, allegedly patentably distinct species reciting a) a phenotype directed to protein kinase catalytic activity of a C-RET receptor protein; and b) a phenotype directed to the interaction between a C-RET and a natural binding partner.

This remarks section sets forth an election in each of the above-outlined cases and sets forth Applicant's remarks.

2. APPLICANT'S ELECTION**A. Election of species set forth in paragraph 2A of the Office Action**

According to the Office Action, Claim 23 is generic to a plurality of (allegedly) patentably distinct species comprising species identified in the claim as:

- I. an invention reciting the peptide less than 20 amino acids;
- II. an invention reciting the non-peptide organic molecule; and